

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 14-22 are presently active; Claims 1-13 were canceled previously without prejudice. Claims 14-19 and 21 have been presently amended.

In the outstanding Office Action, Claims 15-18 were objected to. Claims 14-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Petite et al (U.S. Pat. No. 6,437,692).

Regarding the claim objection, Claims 15-18 have been amended as suggested in the Office Action. Thus, it is respectfully submitted that the claim objection has been overcome.

In response to Applicant's last filed arguments with regard to Petite et al, the outstanding Office Action notes that "a server" is not clearly disclosed in the claims.

Accordingly, the present claims recite a remote control server. For instance, Claim 14 presently defines a remote control server system for controlling remotely electronic equipment connected via a firewall to an external network. The remote control server system includes a remote control server connected to the external network and a wait state setting unit in the remote control server for receiving a command fetch request from the electronic equipment via the external network. Upon a command execution request from a user terminal corresponding to the command fetch request is not stored, the wait state setting unit sets a wait state for the command execution request from the user terminal. A command execution request transmission unit in the remote control server can (1) receive a command execution request transmitting from the user terminal via the external network and (2) transmit the command execution request to the electronic equipment as a response to the command fetch request set to the wait state.

Accordingly, the remote control server of Claim 14 can transmit the command execution request from the user terminal as a response to the command fetch request from the

electronic equipment. This permits remote control of the electronic equipment without complicated setting of a firewall. Further, upon receiving the command fetch request, the remote control server can set a wait state for waiting a command execution request if the command execution request is not stored, which permits prompt transmission of the command execution request to the electronic equipment upon receiving it. It is therefore possible in the present invention to suppress the delay occurring when transmitting the command execution request to the electronic equipment. Specifically, by setting the wait state, the remote control server can transmit the command execution request to the electronic equipment before receiving the command fetch request transmitted periodically. The command execution request can thereby be transmitted immediately to the electronic equipment.¹

The outstanding Office Action asserts that Petite et al teach a system in Figure 7 in which a transceiver 221 (electronic equipment) sends a signal indicating a vehicle is in need of service (command fetch request), and then the transceiver 221 (electronic equipment) waits for control signal (command execution request) from the server 260 and computers 240/250 (user terminals).²

However, with regard to Figure 7, Petite et al at col. 12, lines 48-62, disclose that:

Having described a specific client application consistent with the present invention wherein the remote transmitter is permanently integrated with a stationary data input point (a utility meter), reference is now made to Figure 7 which more fully illustrates the flexibility of the invention. More specifically, Figure 7 illustrates a remote automotive diagnostics monitoring system 700. Remote automotive diagnostics interface unit 710 consists of sensor 712 integrated with the vehicle diagnostics data bus 711, and **transmitter 714 wherein contents of the vehicle diagnostics can be downloaded upon a control signal to sensor 712 from a remote location serviced by local gateway 210**. In this manner, a vehicle in need of service but still capable of accessing the vehicle diagnostics codes can be remotely diagnosed by uploading the information through remote automotive diagnostics monitoring system 700 and **accessing a custom report created by server 260** in a manner previously described. In this regard, server 260 could be configured to perform any of a number of levels of diagnostics and provide service manual instructions, figures,

¹ Independent Claim 19 defines a remote control method corresponding to Claim 14. Independent Claim 21 defines a remote control program product corresponding to Claim 14.

² Office Action, page 4, lines 7-16.

and local authorized service contact information via WAN 230 on a fee basis or per a predetermined level of service plan. [emphasis added]

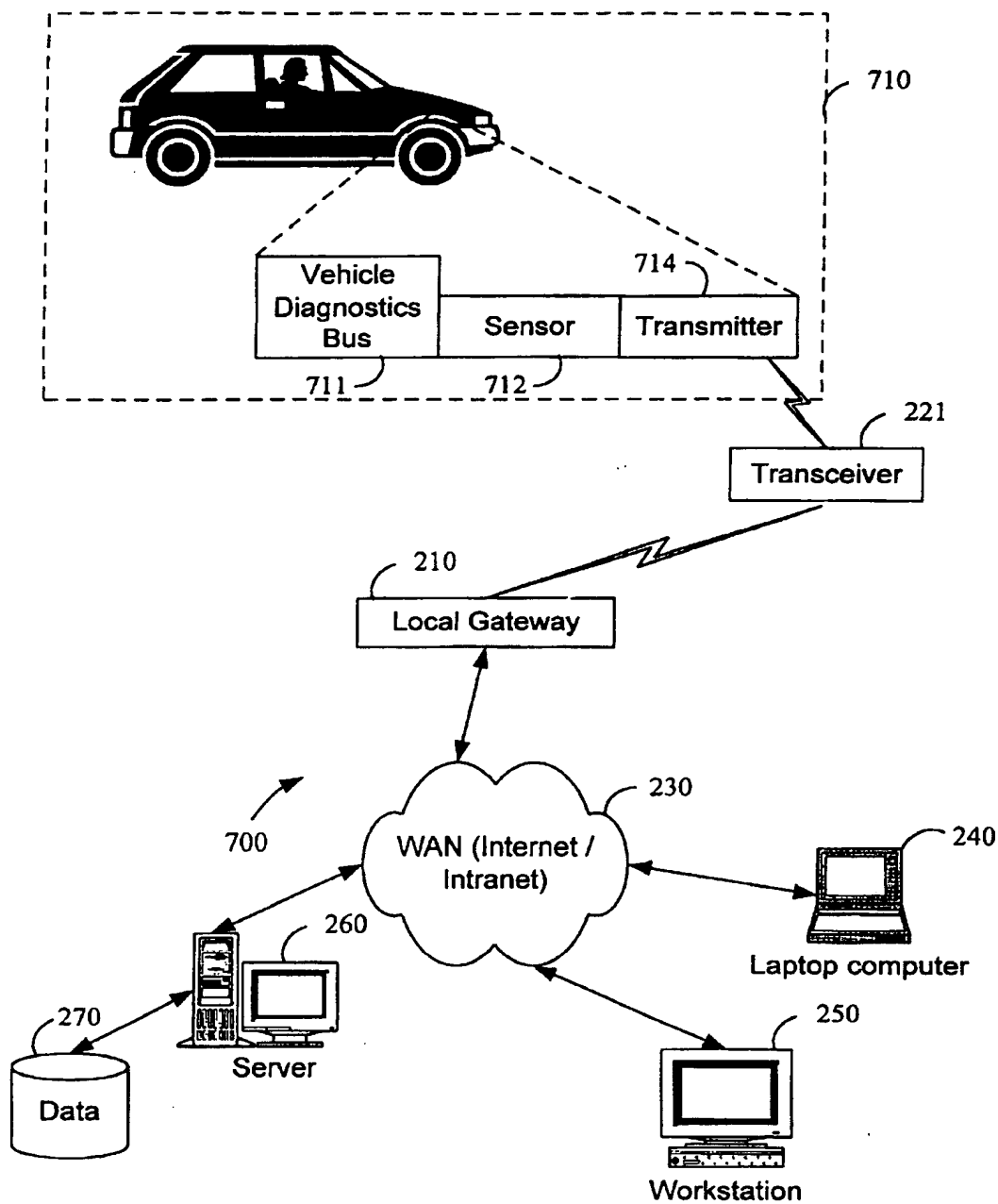


FIG. 7

Applicants respectfully submit that there is no teaching regarding Figure 7 in Petite et al for a remote control server that sets a wait state for waiting a command execution request from

a user terminal by receiving a command fetch request from electronic equipment, and upon receiving a command execution request from the user terminal, transmits the command execution request to the electronic equipment as a response to the command fetch request set to the wait state.

If the Office Action's assignments are used for the elements in Petite et al, then for Petite et al to anticipate the claimed invention, Petite et al would have to disclose not only that server 260 sets a wait state for waiting a command execution request from the computers 240/250 by receiving a command fetch request from the transceiver 221, but also that the server 260, upon receiving a command execution request from the computers 240/250, would transmit the command execution request to the transceiver 221 as a response to the command fetch request set to the wait state. While the above-italicized sections of Petite et al may disclose remote access of diagnostic information, there are no teachings in Petite et al that the computers 240/250 issue a command execution request in which the server 260 would act upon by transmitting a command execution request to the transceiver 221.

Rather, it would appear that the network linked computers 240/250 have access through the external network to (1) the *custom report* generated and archived in the server 260 and (2) the *vehicle diagnostics* stored in the transmitter 114. Moreover, Applicants submit that there is not teaching in Petite et al that the server 260 is in a wait state for waiting a command execution request from computers 240/250, as also would be required for the system in Figure 7 of Petite et al to anticipate the present invention.

M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown and requires for anticipation that the identical invention must be shown in as complete detail as is contained in the claim. Thus, it is respectfully submitted that, with the above noted features not being shown by Petite et al in as complete detail as is

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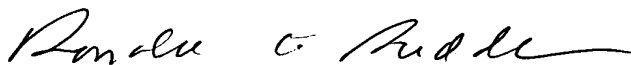
contained in the claim, independent Claims 14, 19, and 21 and the claims dependent therefrom patentably define over the art of record.

Lastly, this amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment presents minor clarifying changes to the claims in response to the recent Office Actions specific identification of the claims lacking explicit recitation of a remote server. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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